

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ERNEST JACK,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

CASE NO. C14-153 MJP

ORDER ON REPORT AND
RECOMMENDATION

The Court has received and reviewed the Report and Recommendation filed in this matter. Dkt. No. 13. Although no objections have been filed, the Court has also reviewed Petitioner's Amended 2254 Habeas Petition. Dkt. No. 14.

The Report and Recommendation submitted by U.S. Magistrate Judge Tsuchida found that Petitioner had not properly submitted his claims and recommended on that basis that his § 2254 petition be denied and the matter be dismissed without prejudice. Dkt. No. 13, p. 2.

However, prior to the issuance of the R&R, Judge Tsuchida had also ordered Petitioner to submit an amended petition by March 12, 2014. Dkt. No. 9. On March 11, 2014, Petitioner filed an amended petition. Dkt. No. 14.

1 Because Petitioner has complied with the order to file an amended petition, the Court
2 DECLINES TO ADOPT the Report and Recommendation and instead REFERS the matter back
3 to Judge Tsuchida to permit review of the amended habeas petition and a re-determination of this
4 matter's fitness to proceed.

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6 The clerk is ordered to provide copies of this order to Petitioner and Judge Tsuchida.

7 Dated this 14th day of March, 2014.

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11 Marsha J. Pechman
12 United States District Judge
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